

# In Our View: Inslee Errs on Death Penalty

## Washington governor's moratorium on executions an affront to state's residents

Published: February 12, 2014, 6:01 AM  
The Columbian

Presumably following his conscience and effectively raising the level of discussion on an important matter for Washingtonians, Gov. Jay Inslee has placed a moratorium on executions in the state.

This, in some ways, is laudable. The practical application of the death penalty is replete with moral and philosophical dilemmas — among them being inequity in how the penalty is carried out; divergent interpretations and laws from state to state; and the ever-present possibility of executing somebody who is, in truth, innocent of the crimes for which they have been sentenced. Yet while all of these issues must remain part of a continuing debate throughout the country, Inslee's unilateral decision is an affront to Washington residents.

According to Washington law, the governor's oath of office reads in part: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington ... ." Washington's current death penalty law has been in place since 1981, and whether or not Inslee approves, it is the law of the state and it is his sworn duty to support it.

Inslee said that he will offer a reprieve to those on Washington's death row but will not commute sentences, meaning prisoners will remain on death row until a governor comes along who is willing to enforce the law. "Equal justice under the law is the state's primary responsibility," Inslee said. "And in death penalty cases, I'm not convinced equal justice is being served." In this regard, he is not alone. Oregon Gov. John Kitzhaber declared in November 2011 that the death penalty is a "perversion of justice. I refuse to be part of this compromised and inequitable system any longer, and I will not allow further executions while I am governor."

Certainly, there have been perversions of justice with the death penalty. Yet issuing a blanket moratorium is no less of a perversion for murder victims and their families. As longtime Clark County residents can attest, the case of Westley Allan Dodd — who was executed in 1993 after molesting and murdering three young boys in Vancouver — makes a powerful statement in favor of the death penalty. It is difficult to envision how the interests of the people would have been served by housing and feeding Dodd at state expense for the past 20 years; it is difficult to argue that his punishment did not fit his crimes.

Currently, there are nine men and no women on Washington's death row. The state has carried out one execution in the past 12 years, and the governor has every right to issue a moratorium. "Washington's Constitution and state statutes grant the governor significant powers over the fate of individuals sentenced to death," Attorney General Bob Ferguson said.

The key phrase here, however, appears to be "individuals" facing the death penalty. If Inslee were to consider each pending execution on a case-by-case basis, if he were to ponder whether justice was being served in each given situation for the prisoner, the people of the state, and the family of the victim — then his position would be defensible. Instead, he has taken an issue that requires nuance and bludgeoned it with one sweeping generalization.

There is, undoubtedly, no guaranteed method for perfecting an imperfect system when it comes to the death penalty. But it is the law in Washington, and it is Inslee's duty to carry it out. The governor — and others — can make a strong moral argument against the death penalty. But the people would be better served if he took those arguments to the Legislature or the voters instead of issuing a moratorium.